

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3587 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SARVODAYA CHARITABLE TRUST

Versus

GUJARAT SECONDARY EDUCATION BOARD

Appearance:

MR PM Dave, Advocate for Petitioner
MR Uday H Patel, Advocate for Respondent No. 1
MR RM Desai, Advocate for Respondent No. 2

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 22/03/96

ORAL JUDGEMENT

The petitioner-Sarvodaya Charitable Trust, Kakanpur is said to be an educational Trust running Arts and Commerce College at Village Kakanpur since last 5 years. The said Trust applied to the Gujarat Secondary Education Board for grant of permission to open a Girls Secondary School. This application was rejected by the Board. The petitioner went in appeal to the State

Government. The State Government found justification for establishment of a Girls' School in the village. However it rejected the appeal on the ground that grant is not available to the institution.

2. I have heard the learned Advocates for the parties. It is contended by Ms.Mamta Vyas, learned Advocate for the petitioner that having found that there is necessity of a Girls' School in the Village Kakanpur, permission should not be refused only on the ground that the grant is not available. She submits that the respondent has completely over-looked that in the State of Gujarat, the education for Girls is free. In the rural areas, girls do not go to a school where there is co-education.

3. Considering the facts of the case, more particularly, the fact that even according to the State Government there is justification rather there is necessity of establishing a school in Kakanpur village, the authorities should not have refused simply for the reason that grant is not available to the petitioner. It is not the case of the respondent that the appropriate funds are not available.

4. In view of the aforesaid, this Special Civil Application is allowed. The order of the State Government dated 22.3.1995 is quashed and set aside. The respondent is directed to hear the appeal and pass a fresh order in the light of the observations made above. The appeal should be decided within a period of two months from today. Rule made absolute to the aforesaid extent.

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